

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

SHAWN MOUZON

Plaintiff,

vs.

OFFICER CHARLES MEWSHAW, *et al.*,

Defendants.

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CIVIL ACTION NOS.  
1:16-cv-00156-RDB  
1:16-cv-00611-RDB

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**THE BALTIMORE POLICE DEPARTMENT’S MOTION TO DISMISS**

Defendants, the Baltimore Police Department, former Commissioner Anthony Batts, and former Commissioner Frederick Bealefeld, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 12(b)(6) respectfully moves this Honorable Court to dismiss the Plaintiff’s Complaint against the BPD , former Commissioner Batts and former Commissioner Bealefeld with prejudice and without leave to amend again for the following reasons:

1. The § 1983 *Monell* and supervisory liability claims against the BPD Defendants are barred under the principles of res judicata and/or collateral estoppel; and
2. The § 1983 supervisory liability claims against Commissioner Bealefeld, nevertheless, fail, because the pleadings do not alleged enough facts to meet the elements for such a claim.

WHEREFORE, Defendants, Baltimore Police Department, former Commissioner Anthony Batts, and former Commissioner Frederick Bealefeld respectfully request this

Honorable Court to dismiss Plaintiff's Complaint with prejudice and without leave to amend.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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*Attorney for Defendants Baltimore City  
Police Department, Commissioner Anthony  
W. Batts and Commissioner Frederick  
Bealefeld*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of March 2016, a copy of the foregoing Memorandum was forwarded to counsel for all parties via the court's electronic filing system.

\_\_\_\_\_/s/\_\_\_\_\_  
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